

**MINUTES
of the
FIFTH MEETING
of the
MILITARY AND VETERANS' AFFAIRS COMMITTEE**

**October 29, 2014
Vietnam Veterans Memorial
Angel Fire**

D The fifth meeting of the Military and Veterans' Affairs Committee was called to order by Representative Rodolpho "Rudy" S. Martinez, co-chair, on October 29, 2014 at 9:40 a.m. at the Vietnam Veterans Memorial in Angel Fire.

Present

Rep. Rodolpho "Rudy" S. Martinez,
Co-Chair
Sen. Richard C. Martinez, Co-Chair
Rep. Bob Wooley

Absent

Sen. William F. Burt
Rep. Nathan "Nate" Cote
Rep. Dianne Miller Hamilton
Sen. Daniel A. Ivey-Soto
Sen. William H. Payne

Advisory Members

Rep. Eliseo Lee Alcon
Rep. Thomas A. Anderson
Sen. John Pinto
Rep. Dennis J. Roch

Sen. Craig W. Brandt
Sen. Carlos R. Cisneros
Rep. George Dodge, Jr.
Rep. Yvette Herrell
Sen. Timothy M. Keller
Sen. Cliff R. Pirtle
Rep. Edward C. Sandoval
Rep. Jeff Steinborn

Membership Note

Representative Anderson and Senator Pinto were appointed by the speaker of the house and the president pro tem of the senate to serve as voting members of the committee during the meeting.

Staff

Jeret Fleetwood, Researcher, Legislative Council Service (LCS)
Peter Kovnat, Staff Attorney, LCS
Kathleen Dexter, Researcher, LCS

Guests

The guest list is in the meeting file.

Handouts

Copies of all handouts and other written testimony are in the meeting file.

Wednesday, October 29

Welcome

Chuck Howe, mayor pro tem of Angel Fire, welcomed the committee and introduced other local officials, including Landon Newton, Colfax County commissioner; Jay Mitchell, Angel Fire village manager; and Tracy Orr, Angel Fire grants administrator.

Rural Transportation for Veterans

Timothy L. Hale, secretary of veterans' services, gave a presentation on transportation challenges faced by New Mexico veterans who must travel long distances to access U.S. Department of Veterans Affairs (VA) health services. A dozen transportation networks around the state take veterans from rural areas to appointments at VA facilities in Albuquerque, Amarillo and El Paso; however, the networks are staffed entirely by volunteers, the median age for the volunteer drivers is 70 years old and roundtrips from some remote areas can take up to 16 hours, beginning as early as 2:00 a.m. The VA reimburses the transportation networks for mileage, but only if the vehicles are driven by VA-certified drivers. In fiscal year 2013, 101 network volunteers provided transportation for more than 6,000 New Mexico veterans, logging nearly one million miles and nearly 26,000 volunteer hours.

The Veterans' Services Department and congressional staff are advocating for a fee-based system that would reduce the need for transportation services by allowing veterans to obtain certain health care services locally from non-VA providers. A pilot program for fee-based services, transportation and health care coordination is under way in the Roswell area as a model for other rural areas of the state.

On questioning, Secretary Hale, committee members and Alan Martinez, deputy secretary for veterans' services, noted that:

- (1) some fraternal organizations are not getting mileage reimbursements because they are reluctant to send their volunteer drivers for VA certification;
- (2) capital outlay funding has been used to purchase vans for local government entities, which then lease them to veterans' transportation networks;
- (3) the VA uses Rand McNally mileage calculations based on a veteran's home location, and mileage reimbursements might not be made in certain cases; and
- (4) veterans have a certain degree of choice in where they receive care and are not restricted to the closest VA facility.

- ★ On a motion duly made, seconded and unanimously adopted, committee staff was directed to draft a letter to the New Mexico congressional delegation and U.S. Representative Jeff Miller, chair of the U.S. House Committee on Veterans' Affairs, to express the need for a fee-based VA health care system for rural areas of New Mexico.

Veteran Home Rehabilitation Legislation

Izzy Hernandez, director of community development, New Mexico Mortgage Finance Authority (MFA), and Rose Garcia, executive director, Tierra del Sol Housing Corporation, clarified certain provisions to be included in an appropriation endorsed in concept by the committee at its August meeting. The proposed legislation appropriates \$2 million to the MFA for rehabilitation to homes occupied by low-income veterans in New Mexico; contrary to the committee's discussion in August, however, 60 percent of area median income will be set as the eligibility threshold, rather than 80 percent. The appropriation would be sufficient to make modifications to 120 homes, with a maximum cost for each home of \$14,999. Ten percent of the appropriation would be used for administrative costs.

On questioning, the presenters and committee members noted that:

- (1) some MFA housing rehabilitation programs are subject to U.S. Department of Housing and Urban Development restrictions on what sort of home can be modified;
- (2) access ramps can be either installed or built as removable ramps;
- (3) the 10 percent administrative fee for each project would be split between the MFA and the contractor;
- (4) more than half of the state's 172,000 veterans meet the low-income requirement for housing rehabilitation; per federal law, a veteran's VA disability payments are included in the income calculation; and
- (5) rehabilitation projects are limited in scope — structural, electrical and plumbing repairs are not included — in part to allow a veteran to remain in the home while the project is being completed.

- ★ Committee staff was directed to work with Mr. Hernandez and Ms. Garcia to draft the appropriation with the revised language requested.

Vietnam Veterans Memorial State Park Infrastructure

Mr. Howe, Mr. Mitchell and Dick Dickerson, president, vice president and secretary, respectively, of the David Westphall Veterans Foundation board of directors, gave a presentation on infrastructure repairs and upgrades needed at the Vietnam Veterans Memorial State Park. The foundation has identified \$311,500 in repairs and enhancements, ranging from walkway and stucco repairs to restoration of flags and a Huey helicopter. The facility receives more than 40,000 visitors annually, 7,000 of whom visit in the two-week period prior to Memorial Day, and repairs are necessary to continue to handle such heavy visitor traffic.

On questioning, the presenters and committee members noted that:

- (1) some of the park's archives have been sent to Texas Tech University because the park has no climate-controlled archival storage space;
- (2) the park will most likely see an increase in visitors during the next decade as many fiftieth reunions will be held on site to commemorate events in the Vietnam war;
- (3) the cost of restoring the Huey helicopter may exceed the \$32,000 included in the appropriation request; and

(4) engraved walkway bricks can be purchased by or on behalf of veterans for \$75.00 each.

- ★ On a motion duly made, seconded and unanimously adopted, the committee directed staff to draft a letter to the Legislative Finance Committee and the governor in support of the foundation's request of \$311,500 in capital outlay funding, to be allocated from the governor's portion of capital outlay for "statewide projects".

Veterans' Justice Project

Catherine Abeyta, program coordinator, DNA-People's Legal Services (DNA), gave a presentation on the DNA Justice for Veterans project, which provides free basic legal services to veterans in northwest New Mexico and throughout the Navajo Nation. DNA assisted more than 1,100 New Mexicans in 2013, including veterans, through its offices in Farmington, Crownpoint and Shiprock. In May 2014, DNA began hosting off-site clinics to increase access for veterans who live in remote areas, and it can be flexible in its timing and location for the clinics because the program is not affiliated with the VA or bound by its regulations. It also participates in local stand-down events for homeless veterans.

On questioning, Ms. Abeyta clarified that DNA does not provide any legal services in criminal cases or in class actions, and it operates on a \$4 million annual budget, 17 percent of which is state funding.

Medical Cannabis and Veterans

Andrea Sundberg, medical cannabis program director, Department of Health (DOH), and Jessica Gelay, policy coordinator, Drug Policy Alliance, gave a presentation on the state's medical cannabis program and potential impacts to veterans of proposed changes to that program. The program currently has more than 12,000 patients enrolled; the number of veterans in the program is unknown, however, because patient data on race/ethnicity, gender or veteran status are not tracked. Forty-three percent of enrolled patients are under treatment for posttraumatic stress disorder, a diagnosis that has become increasingly common among veterans. Because the VA is a federal health care provider and medical cannabis is not legal under federal law, veterans who wish to enroll in the program must get medically certified through a non-VA provider. In these cases, the DOH works to retrieve VA medical records that support the medical diagnoses necessary for enrollment in the program.

A public hearing held in June on proposed changes to the regulations governing the medical cannabis program drew nearly 600 people and nearly 1,000 public comments. In response to feedback from the public and from stakeholders, including the Drug Policy Alliance, the DOH is reconsidering its proposed changes and anticipates incorporating several suggested modifications into the final regulations. The Drug Policy Alliance's concerns for veterans in the proposed changes include issues over who is empowered to deny an application; annual patient registration fees; caregivers' ability to grow medical cannabis on behalf of patients; the number of

plants that may be grown under a personal production license; an annual assessment of the program; and employment protection for patients enrolled in the program.

On questioning, the presenters and committee members noted that:

- (1) the DOH proposed its changes to the program regulations based on medical cannabis programs in other states;
- (2) there are currently no medical cannabis dispensers in northern New Mexico;
- (3) patients in the medical cannabis program have been terminated from their jobs because of their participation in the program, including two veterans: one who was employed by the Bernalillo County Metropolitan Detention Center and another who was employed by Presbyterian Health Services;
- (4) the medical cannabis program does not have enough staff to adequately inspect or monitor producers, but there are plans to hire additional inspectors to prevent inferior or contaminated products being sold, patients having dangerous reactions or producers exceeding their plant limit;
- (5) the proposed changes include requirements for cannabis products to be tested by third parties;
- (6) employees of cannabis producers/dispensers must receive training in privacy requirements under the federal Health Insurance Portability and Accountability Act of 1996; training on the cannabis products sold by the producer/dispenser; and a criminal background check;
- (7) licensed producers in the program are not 501(c)(3) entities because federal law does not allow cannabis production; however, they are recognized as "nonprofit entities" under New Mexico law;
- (8) the annual producer licensing fee is \$30,000;
- (9) federal restrictions on what drugs can be taken to market have kept the pharmaceutical industry from further developing cannabis products;
- (10) producer fees are deposited into the Medical Cannabis Fund, and more than \$162,000 in fees reverted to the general fund in 2013; and
- (11) personal producers most often get their plants from producers, based on properties matched to the personal producer's diagnosis.

- ★ Ms. Sundberg will send the proposed changes to the medical cannabis program to Senator Martinez and to committee staff.

USS *New Mexico*

Tom Gutierrez, Rebecca Vigil-Giron and Rick Carver, all of the Navy League, presented a funding request for outreach projects to promote the USS *New Mexico* and the USS *Santa Fe*. Funding would also be used to help retire the USS *Albuquerque* and, possibly, install the "sail" portion of the submarine in an Albuquerque park. Similar appropriations have been made in the past through the Department of Military Affairs.

- ★ On a motion duly made, seconded and unanimously adopted, committee staff was directed to draft a special appropriation for \$100,000 to the Department of Military Affairs for the outreach activities.

Adjournment

The committee adjourned at 3:00 p.m.

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